

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH E. NORBY,

Defendant.

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8:06CR138

ORDER

This matter is before the court on the motion to continue by defendant Keith E. Norby (Norby) (Filing No. 16). Norby seeks a continuance of the trial of this matter which is scheduled for March 5, 2007. Norby's counsel represents that counsel for the government has no objection to the motion. Norby's counsel represents that Norby consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. **No further continuances of the trial of this matter will be granted except on a showing by affidavit that the denial of a requested continuance would constitute a miscarriage of justice.**

IT IS ORDERED:

1. Norby's motion to continue trial (Filing No. 16) is granted.
2. Trial of this matter is re-scheduled for **May 14, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 27, 2007 and May 14, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of February, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge